

# INSTRUCTIONS

## Conciliation Court Affidavit of Noncompliance

### Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

#### Have questions about court forms or instructions?

- Visit [www.MNCourts.gov/SelfHelp](http://www.MNCourts.gov/SelfHelp)
- Call the Statewide Self-Help Center at 651-435-6535

#### Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit [www.MNCourts.gov/Find-a-Lawyer.aspx](http://www.MNCourts.gov/Find-a-Lawyer.aspx)

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

### Forms You Will Need

- *Affidavit of Noncompliance* (CCT107); and
- *Affidavit of Service - Combined* (SOP105).

Forms are available online at [www.mncourts.gov/forms](http://www.mncourts.gov/forms).

### What You Need to Do

1. Complete the court forms, following all of the steps in these instructions.
2. Serve the other party with a copy of the *Affidavit of Noncompliance*.
3. File the forms with the Court (either electronically or at the courthouse).

### General Information

### Definitions

**“Conciliation Court”** is also known as "small claims" court. General civil claims of \$20,000 or less can be filed in conciliation court. This court allows people to bring their legal claims without the expensive costs or complicated legal procedures of district court.

**“Settlement agreement”** is when the parties agree to resolve the dispute without having the judicial officer decide their dispute.

**“Judgment”** is a word that means “the judicial officer’s decision” or “the judicial officer’s order.”

**“Entry” or “Entered”** is the word used when a judgment is filed in the case by the Court Administrator. This usually starts the timeframe when a judgment can be appealed.

### **When can you use the *Affidavit of Noncompliance* in Conciliation Court?**

The *Affidavit of Noncompliance* may be used **ONLY IF** all of the below are true for your case:

- Your case was in conciliation court (you cannot use these forms if your case was in district court);
- The parties signed a settlement agreement;
- The settlement agreement is part of the court record;
- The settlement agreement and/or court order says the Court may enter a judgment without a hearing if the agreement is violated and one of the parties files an affidavit explaining how the agreement was violated; AND
- One of the parties violated the terms of the settlement agreement.

If you are not sure if all of the above are true for your case, you should [talk to an attorney](http://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

## **Step 1**

### **Fill Out the *Affidavit of Noncompliance* (CCT107)**

### **The Caption**

The caption is at the top of the form. It looks like this:

<b>State of Minnesota</b>	<b>Conciliation Court</b>
County of: _____	Court File Number: _____
Judicial District: _____	Case Type: <u>Conciliation</u>
_____ Plaintiff	
VS	
_____ Defendant	
<b>Affidavit of Noncompliance (CCT107)</b>	

- A. Fill in the county where the Conciliation Court was filed. If you are unsure of any information needed for the caption, you can find this information on any official court document from your case. You may be able to look at case documents on the [Judicial Branch website](http://mncourts.gov/Access-Case-Records.aspx) (mncourts.gov/Access-Case-Records.aspx).
- B. Fill in the Judicial District for the county where the Conciliation Court case was filed. If you do not know the judicial district, you can find a map with all of the judicial districts at <https://mncourts.gov/Find-Courts.aspx>.
- C. Fill in the Court File Number from the Conciliation Court case.
- D. On the line marked "Plaintiff," fill in the name of the Plaintiff as listed on the Conciliation Court settlement agreement and/or court order.
- E. On the line marked "Defendant," fill in the name of the Defendant as listed on the Conciliation Court settlement agreement and/or court order.

## The Affidavit

1. Check the box next to "Plaintiff" if you were the Plaintiff, or next to "Defendant" if you were the Defendant in the Conciliation Court case.
2. Fill in the date you signed the settlement agreement with the other party.
3. In paragraphs #3 and #4, you do not need to fill in anything, but make sure the statements are true.
4. In paragraph #5, describe how the other party did not follow the settlement agreement.
5. In paragraph #6:
  - List the amount the other party has paid under the terms of the settlement agreement. If the party has not paid you anything, fill in \$0.00.
  - List the amount the other party still owes you.
6. You do not need to fill in anything in paragraph #7.

## The Signature Block

Date and sign the *Affidavit of Noncompliance*, and print contact information in the blanks under the signature line. When you sign the *Affidavit of Noncompliance*, you are signing under penalty of perjury. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see [Minn. Stat. § 609.48](http://revisor.mn.gov/statutes/cite/609.48), [revisor.mn.gov/statutes/cite/609.48](http://revisor.mn.gov/statutes/cite/609.48)).

## Step 2

### **Make Copies of the *Affidavit of Noncompliance* (CCT107)**

1. Make one copy of the signed *Affidavit of Noncompliance* form for each party in your case, including one copy for yourself.
2. The original will be filed with court administration (later in step 4).

## Step 3

### **Serve the *Affidavit of Noncompliance* (CCT107) on the other parties. Complete the *Affidavit of Service – Combined* (SOP105).**

The other parties must receive a copy of the *Affidavit of Noncompliance* that you plan to file with the court. This is called “service of process.” The *Affidavit of Noncompliance* form can be served personally (hand delivered to the other party) or served by mail.

Papers **CANNOT** be served on legal holidays as defined in Minn. Stat. § 645.44, subd. 5 ([revisor.mn.gov/statutes/cite/645.44](http://revisor.mn.gov/statutes/cite/645.44)).

### **Who Can Serve**

The *Affidavit of Noncompliance* can be served by any of the following:

- The sheriff;
- Another adult; or
- You.

### **To serve the papers personally:**

The server hands the *Affidavit of Noncompliance* to the other party or a person “of suitable age and discretion” at the other party’s home if that person lives with the other party.

### **To serve the papers by mail:**

The server places one copy of the *Affidavit of Noncompliance* in an envelope. The server writes your return address and the last known address of the other party on the front of the envelope. The server places the correct amount of postage on the envelope. The server may want to take the envelope to the post office to be weighed to make sure they have the right amount of postage. The envelope should be mailed using first class mail.

After the paperwork is served on the other party (not before), the person who served the *Affidavit of Noncompliance* must fill out the *Affidavit of Service - Combined* (SOP105).

## Step 4

### File the *Affidavit of Noncompliance (CCT107)* & *Affidavit of Service – Combined (SOP105)* with Court Administration

File the original *Affidavit of Noncompliance (CCT107)* and *Affidavit of Service - Combined (SOP105)* forms with court administration in the county where your conciliation court case was filed.

Ways to File	How to File
At the Courthouse	<ul style="list-style-type: none"><li>You will need to file the original forms with Court Administration.</li><li>This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <a href="https://www.mncourts.gov/Find-Courts.aspx">https://www.mncourts.gov/Find-Courts.aspx</a>.</li></ul>
Electronic filing through the eFS System	<ul style="list-style-type: none"><li>If you have an account, or want to create one, with the eFS System, you can file electronically (eFile). See <a href="https://www.mncourts.gov/eFile">https://www.mncourts.gov/eFile</a>. <b>NOTE:</b> Once you decide to eFile, you must continue to eFile for the entire case.</li></ul>

### What to Expect Next...

The judicial officer will review the *Affidavit of Noncompliance* and may sign an *Order for Judgment* if the judicial officer decides the requirements to enter judgment have been met. If the judicial officer signs an *Order for Judgment*, Court Administration will provide a copy of the *Notice* and the *Order for Judgment and Judgment* to all parties of the case.

Sometimes the judicial officer may schedule a hearing before signing an *Order for Judgment*. If this happens, you will get a *Notice of Hearing* from Court Administration instructing when to appear in court.